

LOWER PAXTON TOWNSHIP  
BOARD OF SUPERVISORS

Minutes of Board Meeting held November 4, 2013

The business meeting of the Board of Supervisors of Lower Paxton Township was called to order at 7:35 p.m. by Chairman William B. Hawk, on the above date, in the Lower Paxton Township Municipal Center, 425 Prince Street, Harrisburg, Pennsylvania.

Supervisors present in addition to Mr. Hawk were: William C. Seeds, Sr., William L. Hornung, Gary A. Crissman, and David B. Blain.

Also in attendance were Joel McNaughton, McNaughton Homes; and Watson Fisher and Ted Robertson, SWAN.

**Pledge of Allegiance**

Mr. Seeds led in the recitation of the Pledge of Allegiance.

**Approval of Minutes**

Mr. Crissman made a motion to approve the minutes from the September 10, 2013 workshop meeting and October 1, 2013 business meeting. Mr. Blain seconded the motion, and a unanimous vote followed.

**Announcement**

Mr. Hawk noted that Mr. Wolfe was unable to attend tonight's meeting due to a medical situation with his family.

**Public Comment**

Mr. Ken Parmer, 4292 South Carolina Drive noted that Mr. Wolfe is not present and the last letter that he got from him concerning the Estates of Autumn Oaks' stormwater retention basins was that the Board felt that he was given all the answers but all he felt he got was smoking mirrors. He noted every time he got an answer it was something different. He noted that originally they said that the liner was in the core and then later it was said that all the soils were

suitable, the Stratum One and Stratum Two. He noted that Mr. Fleming stated that he had talked to Mr. Shovel who wrote the CMX Report and was told that Stratum 2 was acceptable, yet when he talked to Mr. Shovel, he would not make that comment to him. He noted that he spoke to Mr. Hornung as he has a technical background...he has a full sketch with him if he would look at it. He explained that the top six inches is top soil and the next area from six inches to one and a half feet is Stratum 1 soil and from there down, it was Stratum 2. He noted if you were doing testing to see if this soil was porous or not, and whether it would be impenetrable to the water, infiltrating into the soil, wouldn't you test the Stratum 1 and Stratum 2. He noted if the Stratum 2 was acceptable and would be good soil to make it impenetrable, wouldn't that be approved for the liner, in fact if you are going to be digging that deep, you wouldn't even need a liner, yet the CMX Report stated over and over that it should have an 18 inch depth of Stratum 1 soil as a liner that has enough clay in it to keep the water from infiltrating into the soil below it, causing problems with people downhill who have water in their basements.

Mr. Parmer brought a paper along from Mr. Wolfe since he interpret that Stratum 2 was acceptable and he would give it to Ms. Heberle to give to Mr. Wolfe. He noted that he did not know what kind of action he would get. He noted that it looks like none but at least he knows that Ms. Heberle takes good notes and it will be in the minutes and if something happens down the road we can come back and pull out the minutes from the Lower Paxton Township meetings and say we had a concern and we were ignored. He noted that is all he has to say.

Mr. Hawk noted that he had at least two professional engineering firms in and it seems like there is a difference of opinion between the two. Mr. Parmer noted that he was sent one report from Advance Engineers, the same people who work there now are the ones who worked at CMX, but he did not know what happened to CMX as they have the same phone number but they answered as Advance Engineers. He noted that Mr. Shovel is the person who had his name

on the CMX Report but he does not have his name on this report. He noted the report that came from Advance Engineers says that the grass and soil were good. He noted that it doesn't say how many samples they took, where they took the samples, how deep they checked or anything. He noted if he goes back to when he was present in July when we talked about the 18 inch liner, as a result of that, Mr. Wolfe sent him a copy of the CMX Report and it was missing page seven. He noted that was the page that said that it should be lined with 18 inches of Stratum 1 and that was probably the same report that was sent to Advance Engineers to check to see if everything was done according to the report. He noted that they didn't have page seven either and they weren't looking for the 18 inches because when he asked Mr. Shovel why he didn't check the depth he said he wasn't asked to check the depth.

Mr. Hawk noted that he would provide the memo to Mr. Wolfe when he gets back.

Mr. Crissman explained that he respectfully disagrees with Mr. Parmer on his comment that he stated to the Board tonight that we have ignored you. He noted that is not true. Mr. Parmer stated that he was sorry that he should not have said ignored as he has been getting responses, noting that there has been a lot of communications and reports. Mr. Crissman noted that we always have the right to disagree and but he does take exception that the Board did not ignore him. Mr. Parmer noted that the last message from Mr. Wolfe was that the Board felt that he was given all the information he needed and he respectfully says he was not.

Mr. Seeds noted that he agrees with Mr. Crissman because we have all looked at it and we have an engineer who we pay big bucks and we select that engineer and we have had other engineer's looks at it and if we are going to ignore our engineers, we might as well get rid of them. He noted he is not an engineer and he has to rely on what we pay the engineer to tell us.

Mr. Parmer noted that he was asking for a report in writing that everything was done to the proposed specifications that were submitted by CMX and were called out on the drawings that he has.

Mr. Hawk noted that we could continue this conversation for the rest of the evening. Mr. Parmer stated that he understands.

Mr. Daniel Eby, 2739 Colonial Road, a neighbor of Mr. Parmer's who was also affected by the same thing. He noted that his issue is more story based driven, as his home when he bought it had a sump pump base but no sump pump in it. He noted that the prior owners never had a history of flooding from what he was told by the realtor. He noted that he experienced all the big storms from the past few years and when the inspector looked at the home he stated that it had no history of water damage. He noted during the past storm, when it rained ten inches, he woke up at 4 in the morning and the basin was filled to the top and it never happened before as it would have had to been in the report. He noted at 4 in the morning he and his wife were dumping buckets, no history of that, obviously something changed to cause that, so he got a plumber to come out that day to install a sump pump. He noted that he worked on it from 4 in the morning until he had to go to work and then his mom, who is in her 60's, took over and was dumping water to keep the basement from flooding. He noted that others are talking about buying a second sump pump because they have noticed the change in water that is going into there areas. He noted that he lives next to one of the basins and is still worried about his kids being that close to the basin, noting that he could throw a stone into it from his property. He noted that the basin was filled to the absolute top, noting that he took additional pictures, but it was getting close to cresting during that storm. He noted that it was a bad storm but it's not like we haven't had those in the past couple of years. He noted that it shows that something has changed in the way the water flows or is seeping in, maybe it is escaping as it doesn't have the clay basin. He noted that

his wife was saying that something is affecting their property, but at least we got the sump pump in, but it was close to flooding and we just finished the basement.

Ms. Kathy Hoover, 2743 Keystone Drive, noted that she has lived in her home since 1984 and she had eight inches of water in her basement and never had water in her basement before. She noted that there is a difference in what is happening with the water.

Mr. John Trish, 600 Prince Street, wanted to talk about his favorite topic, noting that he did not see anything on the agenda about the Friendship Center (FC) noting that there was an article in The Patriot-News about the deficits for the FC, stating that a decision would be made tonight for what to do about it. He noted that there is supposed to be a \$220,000 deficit for this year. He questioned if the Board had any comments for what is going on at the FC.

Mr. Hawk noted that the Board looked at the budget with regards to the FC this evening, noting that more review needs to occur for how it will approach the deficits. He noted that the Board has not passed the budget yet and is looking at different options.

Mr. Crissman noted that the FC was discussed during the Workshop session that started at 6 p.m. tonight. Mr. Trish noted that he did not make the 6 p.m. meeting. Mr. Crissman noted from 6 p.m. to 7:30 p.m., the Board along with members of the Friendship Center Operating Board, staff, and members of the community, discussed the pros and cons and the results of the report that it just received. He noted that no decisions were made. Mr. Trish noted the Board authorized \$36,000 to discuss the FC and he brought up the fact that it has been in a deficit and according to the article in The Patriot-News, it went from \$40,000 to \$60,000 to \$122,000 to \$220,000. He noted that the FC is supposed to be self-sufficient.

Mr. Hawk noted that is what Mr. Crissman is talking about, as the Board reviewed the report that provided some recommendations and some future projections and now the Board needs to take a look at those.

Mr. Trish questioned if he would read the results in The Patriot-News. Mr. Crissman noted that what you should read is that the Board had discussions tonight. He noted that no decisions were made.

### **Chairman and Board Members Comments**

Mr. Hawk wanted to remind the viewing public that tomorrow is Election Day and he encouraged all citizens to get out and vote. He noted that the polls open at 7 a.m. and close at 8 p.m.

### **Manager's Report**

No report was provided.

### **OLD BUSINESS**

There was no old business.

### **NEW BUSINESS**

#### Agreement with LMNO Cable Group, Inc. authorizing television Production activities in the Township's Police Department

Mr. Hawk noted that Graham Hetrick, the Dauphin County Coroner, is a modern day Quincy for the local area. He noted that he is putting together a TV program where he will provide information in regards to the duties of the coroner's office. He noted that the Board must approve this agreement if it wants to follow through with Mr. Hetrick's recommendation. He explained, many time, his actions involve the Lower Paxton Township Police Department where he may be doing an autopsy on a victim of murder or other things for the Township. He noted that people will be interviewing police officers to find out how the police help Mr. Hetrick do his job. He noted that the Board must authorize the videotaping and recording of the Police Department to include the police officers in some of the things that they do.

Mr. Hawk noted that it will be marketed under the title “Graham of Evidence”. He noted that it has gained a lot of interest for this area.

Mr. Crissman made a motion to approve the agreement with LMNO Cable Group, Inc. authorizing television production activities in the Township’s Police Department. Mr. Blain seconded the motion. Mr. Hawk called for a voice vote and a unanimous vote followed.

Capital Area Council of Government Resolutions for  
consideration by the Board of Supervisors.

Mr. Hawk noted that there are four resolutions being considered by the Pennsylvania Association of Township Supervisors and the Capital Area Council of Government. He noted that he would explain each resolution one at a time.

Resolution 13-40; supporting PA Senate Bill 1 providing for transportation funding

Mr. Hawk noted that the Pennsylvania State Association for Township Supervisors Township (PSATS) News magazine came out this week and the cover page article concerned the cost of doing nothing noting that the State has \$2.3 billion in transportation funding that the legislature has chosen to put off all year. He noted that they will next meet on November 11<sup>th</sup> through the 13<sup>th</sup> and the transportation funding bill will come before them. He noted that this resolution will show both Senator Teplitz and Representative Marsico that the Board supports transportation funding.

Resolution 13-41; supporting PA Senate Bill 733 amending  
municipal legal advertising regulations

Mr. Hawk noted that the cost of advertising is getting more and more expensive and less and less people are subscribing to the newspaper so this bill would allow the Township to electronically publish notices on the Township’s web page along with the public medium. He noted that it provides the expanded capacity to advertise on the web site.

Resolution 13-42; supporting PA House Resolution 100 regarding the Right-to-Know Law

Mr. Hawk noted that this resolution has to do with the Right-To-Know Law (RTKL). He noted that the law was passed in 2008 and since that time Townships have received numerous request that require a tremendous amount of administrative time for copying and research. He noted that this resolution would request the State House to do a comprehensive review of the law and make recommendations to include ways to decrease the administrative burden and offset the costs associated with administering the law.

Resolution 13-43; supporting Senate Bill 444 amending the Right-to-Know Law

Mr. Hawk noted that this resolution is directly related to the previous resolution that allows agencies such as Lower Paxton Township to petition the court for a protective order against unduly and burdensome requests, and allow agencies to deny a request to a party to litigation, if the request relates to the litigation previously made in discovery. He noted that it provides some relief to the Township.

Mr. Seeds noted from the Capital Region Council of Governments is asking all the Townships and Boroughs to support these four resolutions and to forward them to their State Senator and House Representative, and also to have the public contact their senators and representative for a show of support. He noted that we are fortunate in this area for transportation funding, however throughout the State there are many serious problems with bridges that are deteriorating and unsafe to cross over. He noted that it would help the Township to receive more funds from the State for transportation funding.

Mr. Seeds noted that Senate Bill 444 has to do with that many companies that use the Right-To-Know Law as an unfair advantage competitively and it is costing townships a lot of money to provide that information that is used for personal gain.



Mr. Crissman noted that he hopes that the House and Senate will work together to marry these two issues.

Mr. Crissman made a motion to approve Resolution 13-40; supporting PA Senate Bill 1 providing for transportation funding; Resolution; 13-41; supporting PA Senate Bill 733 amending municipal legal advertising regulations; Resolution 13-42; supporting PA House Resolution 100 regarding the Right-to-Know Law Resolution; and 13-43; supporting Senate Bill 444 amending the Right-to-Know Law. Mr. Blain seconded the motion. Mr. Hawk called for a voice vote and a unanimous vote followed.

#### Final Subdivision plan for Amber Fields, Phase VI

Mr. Hawk noted that the land is located between Devonshire and Devonshire Heights Road, west of Nyes Road. This parcel was zoned R-1, Low Density Residential District, before being rezoned to RC in 1992. The overall property consists of 111.34 areas and the total area for Phase VI consists of 8.3 acres.

Mr. Joel McNaughton, McNaughton Company, explained that this is the continuation of the orderly development of Amber Fields, as Phases I through V have been approved and recorded and are in various stages of improvement or completion. He noted that the demand in Amber Fields continues to be pretty strong so he is present to provide the final plan for Phase VI.

Mr. McNaughton noted that the Phase VI Plan proposed the extension of Christian Drive together with the public water and sewer, electric, cable television and natural gas. He proposed the creation of 18 single family detached lots, ranging in size from 14,000 square feet to 25,000 square feet, about one third to one half of an acre. He noted that the plan was reviewed and recommended for approval by the Planning Commission at its June 5, 2013 meeting. He requested approval of the Board subject to the minor conditions provided by Township staff and Township engineer.

Mr. Crissman questioned if Mr. McNaughton was able to speak on behalf of the applicant for the plan. Mr. McNaughton answered yes.

Mr. Crissman questioned if Mr. McNaughton was able to meet the two site specific conditions. Mr. McNaughton answered yes.

Mr. Crissman questioned if Mr. McNaughton was able to meet the seven general conditions including number seven which addresses the seven comments addressed by HRG in their memo dated October 24, 2013. Mr. McNaughton answered yes.

Mr. Crissman questioned if Mr. McNaughton was able to meet the one staff comment. Mr. McNaughton answered yes.

Mr. Crissman made a motion to approve the final subdivision plan for Amber Fields, Phase VI with the following conditions: 1) All conditions of the preliminary plan shall be complied with; 2) Provide an Operations and Maintenance Agreement (O&M) from Appendix; 3) Plan approval shall be subject to payment of recreational fee in lieu of \$662 per lot for eighteen newly created building lots; 4) Plan approval shall be subject to providing original seals and signatures; 5) Plan approval shall be subject to the payment of engineering fees; 6) Plan approval shall be subject to the establishment of an improvement guarantee for the proposed site improvements; 7) Plan approval shall be subject to the Dauphin County Conservation District's review of Erosion and Sedimentation Control Plan; 8) Plan approval shall be subject to the Lower Paxton Township Sewer Department's review and approval of the sanitary sewer design; 9) Plan approval shall be subject to addressing the seven comments of HRG's memorandum dated October 24, 2013; and 10) A street/storm sewer construction permit is required and is to be obtained prior to earthmoving activities. A pre-construction meeting is to be held prior to stating the project. Contact Matt Miller at 657-5615 to schedule the meeting. This may be held in

conjunction with the Conservation District meeting. Mr. Blain seconded the motion. Mr. Hawk called for a voice vote and a unanimous vote followed.

### **Improvement Guarantees**

Mr. Hawk noted that there was one improvement guarantee.

#### **Old Iron Estates, Phase II**

A change in financial institution from Fulton Bank to Centric Bank for a line of credit in the amount of \$104,841.00, with an expiration date of November 4, 2014.

Mr. Crissman made a motion to approve the improvement guarantee. Mr. Blain seconded the motion. Mr. Hawk called for a voice vote and a unanimous vote followed.

### **Payment of Bills**

Mr. Seeds made a motion to pay the bills of Lower Paxton Township and Lower Paxton Township Authority. Mr. Crissman seconded the motion. Mr. Hawk called for a voice vote, and a unanimous vote followed.

### **Adjournment**

There being no further business, Mr. Crissman made a motion to adjourn the meeting. Mr. Blain seconded the motion and the meeting adjourned at 8:05 p.m.

Respectfully submitted,

Maureen Heberle  
Recording Secretary

Approved by,

Gary A. Crissman  
Township Secretary